

DELDIN LAW

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July 20, 2017

Via Email

Assistant Chief James White
c/o Sheila McBride
Detroit Police Department
Email: mcbride613@detroitmi.gov

Re: Tow Permit No. 16-047 / Teletype #17-0519
Nationwide Recovery, Inc.

Dear AC White:

My office represents Nationwide Recovery, Inc. with respect to the July 19, 2017 suspension of its towing permit. The Detroit Police Department's personnel with authority over this matter refuse to provide the basis for the suspension of my client's permit. Nationwide never received notice of the reasons for this suspension nor an opportunity to be heard *prior* to being deprived of their permit.

The City issued this permit pursuant to its own ordinances and Charter authorized regulations. Nationwide has an indisputable property right in its towing permit.¹ Under state and federal law, Nationwide is entitled to rudimentary due process prior to the deprivation of its towing permit.² This, at a minimum, requires: (1) timely written notice detailing the reasons for the *proposed* administrative action; and (2) an effective opportunity to defend against the allegations, which includes confronting witnesses and being allowed to present evidence.³

The Detroit Police Department deprived Nationwide of its property interest without providing any written notice stating the reasons for the deprivation, nor affording Nationwide a *pre-deprivation* hearing.

¹ See, e.g., *Bundo v. City of Walled Lake*, 395 Mich. 679 (1976) (holding that the plaintiff's city-issued liquor license constituted a property right that entitled the plaintiff to due process)

² *Id.*; *Harris vs. City of Akron*, 20 F.3d 1396, 1401 (6th Cir. 1994)

³ *Bundo, supra*

EXHIBIT E

I demand that the Detroit Police Department immediately provide my office with a written notice detailing the reasons for this suspension. If I do not receive this by 4:30 PM on July 20, 2017, I will assume that the Department has no respect for the constitutional concept of due process and intend to proceed accordingly.

Sincerely,

Marc A. Deldin

Marc A. Deldin

c.

Board of Police Commissioners (Fax: (313) 596-1831; email: bopc@detroitmi.gov)

Melvin Butch Hollowell, Jr. (Fax: (313) 224-5505; email: hollowellm@detroitmi.gov)

EXHIBIT E